

AG Contract No. KR02-0428TRN
ADOT ECS File No. JPA 01-176
Project: RAM-600-0-526
TRACS No : H 4780 01C
Section: 101L Agua Fria Freeway
@McDowell, Thomas & Indian School Roads
(Traffic Signals)

INTERGOVERNMENTAL AGREEMENT
BETWEEN
THE STATE OF ARIZONA
AND
THE CITY OF PHOENIX

102910

THIS AGREEMENT is entered into 29 November, 2002, pursuant to Arizona Revised Statutes, Sections 11-951 through 11-954, as amended, between the STATE OF ARIZONA, acting by and through its DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF PHOENIX, acting by and through its CITY MANAGER (the "City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes Section 28-401 to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has delegated to the undersigned the authority to execute this agreement on behalf of the State.

2. The City is empowered by City Charter Chapter II, Section 2.i. to enter into this agreement and has by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned to execute this agreement on behalf of the City.

3. Incident to State's roadway construction of the Agua Fria Freeway (101L), it was necessary for the City to construct new traffic signals located at McDowell, Thomas & Indian School Roads, herein referred to as "the Project", at total cost of \$209,331.51.

4. The purpose of this agreement is to define each party's responsibilities in reference to the construction, materials, installation and maintenance for the Project.

THEREFORE, in consideration of the mutual agreements expressed herein, it is agreed as follows:

NO. 25657

Filed with the Secretary of State

Date Filed: 11/29/02

Betsy Gayless

Secretary of State

By: Dwight D. Greenwald

II. SCOPE OF WORK

1. The State:

Has completed construction, approved and accepted the Project(s) on behalf of the parties hereto. Upon execution of this agreement and receipt of an invoice, will remit to the City the total amount of \$209,331.51, for the total cost of materials, equipment and labor required to effect an operational installation of traffic signals and lighting for the Project locations, in accordance with the Project plans.

2. The City will:

a. Upon execution of this agreement, invoice the State, the total amount of \$209,331.51, for the total cost of materials, equipment and labor required to effect operational installation of traffic signals and lighting for the Project locations.

b. Provide operation, maintenance and pay for electrical energy to operate the signal and/or cross-road lighting.

III. MISCELLANEOUS PROVISIONS

1. This agreement shall remain in force and effect until all terms and conditions as set forth herein have been satisfied; provided, however, that this agreement, except any provisions herein for maintenance, which shall be perpetual.

2. This agreement shall become effective upon filing with the Secretary of State.

3. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

4. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

5. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Arizona Revised Statutes Section 12-1518.

6. All notices or demands upon any party to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation
Joint Project Administration
205 South 17 Avenue, MD 616E
Phoenix, AZ 85007

City of Phoenix
Street Transportation Department
200 W. Washington - 5th floor
Phoenix, AZ 85003-1611

7. Attached hereto and incorporated herein is the written determination of each party's legal counsel that the parties are authorized under the laws of this state to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF PHOENIX, a Municipal
Corporation, Frank Fairbanks, City Manager

By Thomas E. Callow
THOMAS E. CALLOW, P.E.
Street Transportation Director

STATE OF ARIZONA
Department of Transportation

By Daniel S. Lance
DANIEL S. LANCE, P.E.
Deputy State Engineer

ATTEST

By James L. Miller
ACTING City Clerk

01-176-VPM-PHX-Signals-101L
06Nov2002

CITY CLERK DEPT.
707 PM 15 IN 051

RESOLUTION

BE IT RESOLVED on this 8th day of November, 2002, that I, the undersigned VICTOR M. MENDEZ, as Director of the ARIZONA DEPARTMENT OF TRANSPORTATION, have determined that it is in the best interests of the STATE OF ARIZONA that the DEPARTMENT OF TRANSPORTATION, acting by and through the INTERMODAL TRANSPORTATION DIVISION, to enter into an agreement with the CITY OF PHOENIX for the purpose of defining responsibilities for the construction, materials, installation and maintenance of new traffic signals located at McDowell, Thomas & Indian School Roads, incident to State's roadway construction of the Agua Fria Freeway (101L).

Therefore, authorization is hereby granted to draft said agreement, which, upon completion, shall be submitted to the Deputy State Engineer for approval and execution.



JOHN W. CARR, P.E., Staff Engineer
Development / Intermodal Transportation Division
for VICTOR M. MENDEZ, Director

**CITY OF PHOENIX
REQUEST FOR COUNCIL ACTION**

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Complete this form per O.P. 1.906 and A.R. 4.11.

Refer to the City Council Agenda Process Reference Guide for Assistance

ACTION REQUESTED	Formal Action:	OR	Legal Document:
	Bid Award <input type="checkbox"/>		Ordinance <input type="checkbox"/>
	License Application <input type="checkbox"/>		Resolution <input checked="" type="checkbox"/>
	Public Hearing <input type="checkbox"/>		Emergency Clause? <input type="checkbox"/>
	Other <input type="checkbox"/>		(for use only w/ord. or res. requests)

IMPACTED DISTRICT(S)	DISTRICT 5	ADDITIONAL BACKUP MATERIAL SENT UNDER SEPARATE COVER?	<input type="checkbox"/>
SUBJECT	INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF PHOENIX & ADOT - AGUA FRIA FWY. (LOOP 101) TRAFFIC SIGNALS		

REQUESTED AGENDA DATE	6/26/2002	PREPARED BY	Name	Ray Dovalina, P. E.
			Department	Street Transportation
			Phone	495-5817

APPROVALS	Division Head:	J. Donald Herp, P. E.	If prepared for another department: Department Name:
	Department Head:	Thomas E. Callow, P. E.	
			Approval:

BID AWARD INFORMATION	Bid Surety Required? <input type="checkbox"/>	Performance Surety Required <input type="checkbox"/>
	Submitted by Low Bidder? <input type="checkbox"/>	Amount? _____
	Contract Required? <input type="checkbox"/>	Requisition No. _____

CONTRACT INFORMATION	Contract Amendment? <input type="checkbox"/>
	If Yes, Current Contract No. _____
	Approved by: Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Formal Action <input type="checkbox"/> on Date: _____

BUDGET INFORMATION	\$ 0.00	To Be Encumbered? <input type="checkbox"/>
	Source of Funds: _____	Fiscal Year? _____
	Fund Center(s) (SAP-FM): _____	
	Commitment Item(s) (SAP-FM): _____	

CITY MANAGER'S OFFICE	Approved by Jack Tevlin, Deputy City Manager 5/31/02	CM Control No. 01
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CITY CLERK DEPARTMENT	Council Action Taken: Adopted		
	Ordinance Number:		RCA No. 39063
	Resolution Number: 19828		Contract No. 102910
	Comments:		Meeting Date 6/26/2002
			Item No. 202

ITEM

DISTRICT 5

INTERGOVERNMENTAL
AGREEMENT WITH THE CITY
OF PHOENIX & ADOT - AGUA
FRIA FWY. (LOOP 101)
TRAFFIC SIGNALS

Request to authorize the City Manager to enter into an Intergovernmental Agreement (IGA) with the Arizona Department of Transportation Department (ADOT) to provide traffic signal and streetlighting installation services for the intersections of McDowell Road, Thomas Road, and Indian School Road along the Agua Fria Freeway.

The City's Traffic Signal Section crews previously installed the controllers/cabinets, power service pedestals, and final signal activations to make the traffic signal systems operational. ADOT will reimburse the City for all labor, equipment, and materials at an estimated cost of \$230,472. The City currently operates and maintains the traffic signals.

Financial Impact

There is no financial impact to the City. ADOT will reimburse the City for all related expenses.

Citizen Notification

ADOT had numerous public meetings to receive public input on the planning, design, and construction of the freeway.

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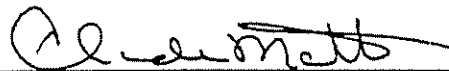
RESOLUTION NO. 19828

A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA THROUGH THE ARIZONA DEPARTMENT OF TRANSPORTATION FOR THE INSTALLATION OF TRAFFIC SIGNALS AND STREETLIGHTS AT THE INTERSECTIONS OF MCDOWELL ROAD, THOMAS ROAD AND INDIAN SCHOOL ROAD AT THE AGUA FRIA FREEWAY.

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF PHOENIX as follows:


SECTION 1. The City Manager is authorized to enter into an intergovernmental agreement with the State of Arizona through the Arizona Department of Transportation to install traffic signals and streetlights at the intersections of McDowell Road, Thomas Road and Indian School Road and the Agua Fria Freeway.

PASSED by the Council of the City of Phoenix this 26th day of June, 2002.



ACTING MAYOR

ATTEST:



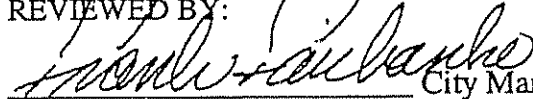
City Clerk

APPROVED AS TO FORM:



ACTING
City Attorney

REVIEWED BY:



City Manager

DLB: cz:133314v1
6/26/02; #1

CITY CLERK DEPT
AS
JUN 26 AM 10:11

APPROVAL OF THE CITY OF PHOENIX ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, INTERMODAL TRANSPORTATION DIVISION, and the CITY OF PHOENIX and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona. No opinion is expressed as to the authority of the State to enter into this agreement.

DATED this 26th day of June, 2002.

William B. Bels

ACTING
DLB Attorney



JANET NAPOLITANO
ATTORNEY GENERAL

STATE OF ARIZONA
OFFICE OF THE ATTORNEY GENERAL
TRANSPORTATION SECTION
1275 WEST WASHINGTON STREET, PHOENIX, AZ 85007-2926

TRN Main: (602) 542-1680
Direct: (602) 542-8855
Fax: (602) 542-3646

MAIN PHONE : (602) 542-1680
FACSIMILE : (602) 542-3646


INTERGOVERNMENTAL AGREEMENT DETERMINATION

A.G. Contract No. KR02-0428TRN (JPA 01-176), an Agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the Undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining Parties, other than the State or its agencies, to enter into said Agreement.

DATED November 21, 2002.

JANET NAPOLITANO
Attorney General


SUSAN E. DAVIS
Assistant Attorney General
Transportation Section

/srs

Att.